

VARIOUS ZONING BY-LAW AMENDMENTS

ARTICLE ## To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by striking out language and by adding bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

Explanation: Proposed amendments include (A) construction signs, (B) two-family dwellings in the CH-1 District, and (C) guesthouses.

- (A) Sign amendments in 2009 removed any reference to construction signs, and the current Code of the Town of Harwich does not permit construction signs. The proposed by-law will re-establish language from an earlier version of the Zoning By-Law.*
- (B) Although two-family dwellings are allowed in the Commercial Highway 1 (CH-1) District by Special Permit (S), two other pertinent sections of the Zoning By-Law omit any reference to them. In Table 2, minimum lot area for single-family dwellings in the CH-1 District is 40,000 sq. ft. while minimum lot area for "any other permitted use" is only 20,000 sq. ft. Typically "any other permitted use" refers to non-residential uses. The proposed by-law amendment will treat two-family dwellings the same as single-family dwellings rather than as non-residential uses. A similar by-law amendment for Section 325-7 C will allow existing lots to be used for two-family dwellings along with other permitted single-family and non-residential uses.*
- (C) In most residential districts, the Zoning By-Law allows one single-family dwelling per 40,000 square feet. Current options for additional residential use of a property include an "accessory building, residential – with bedrooms" or a "single-family dwelling with accessory apartment", both requiring a special permit. The current definition of "guesthouse" appears to allow another residential option for "a building in which living space, with or without common cooking facilities, is let for compensation to four fewer or fewer persons, but not including a hotel or motel." There does not appear to be a current restriction on the number of guesthouses that may be built per lot. The proposed by-law amendment closes that apparent loophole by removing "guesthouse" from the list of uses. Buildings to be let for compensation still include lodging house, bed-and-breakfast, inn, motel and hotel.*

(A) CONSTRUCTION SIGNS

325-29 Additional requirements for specific signage.

G. [NEW] Construction Signs. One (1) temporary wall or ground sign not more than eight (8) square feet indicating the construction, remodeling or rebuilding of a certain structure for a permitted use shall be allowed on the parcel on which the structure is located. The sign shall not be illuminated and shall be removed immediately upon final inspection.

(B) TWO-FAMILY DWELLINGS IN THE CH-1 DISTRICT

325-7 C. Existing lots in a CH-1 District which complied at the time of layout with applicable provisions of zoning bylaws, if any, may be used for single-family residential purposes as set forth above and may be used for **[NEW] two-family residential purposes and** nonresidential purposes as established in the Table of Use Regulations provided that:

- (1) Said lots have 100 feet of frontage and 10,000 square feet of area;
- (2) The buildings to be located thereon are set back at least 10 feet from side and rear lot lines and at least 25 feet from street lot lines and the buildings to be constructed on said lot will not exceed

the maximum site coverage restrictions of the zoning bylaw in effect when the lot was created or, if no such restrictions applied, coverage of buildings shall not exceed 35% of said lot for lots between 10,000 square feet and 15,000 square feet and 25% for lots over 15,000 square feet;
 (3) Said lots are buildable under other applicable provisions of the lot ...

Table 2 Area Regulations

District	Use	Lot Area	Lot Frontage	Front	Side	Rear
CH-1	Single-family dwelling	40,000	150	25	20	20
	[NEW] Two-family dwelling	40,000	150	25	20	20
	Any other permitted use	20,000	100	25	10	10

(C) GUESTHOUSES

325-2. Word usage and definitions.

~~GUESTHOUSE. A building in which living space, with or without common cooking facilities, is let for compensation to four or fewer persons, but not including a hotel or motel.~~

325-39. Off-street parking schedule.

Residential Uses

Lodging house, hotel, motel, inn, ~~guest house~~, 1.25 per guest room or suite
 bed and breakfast

Table 1, Use Regulations

Paragraph I – Residential Uses							
		RM	RH-1	RH-2	CV	CH-1	WR
5	Guest houses	S	P	P	P	P	S

Table 2, Area Regulations

District	Use	Lot Area (square feet)	Lot Frontage (contiguous feet)	Front (feet)	Side (feet)	Rear (feet)
RM	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
RH-1	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
RH-2	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
CV	Guest house	40,000 plus 2,000 per rental unit	150	25	10	10
CH-1	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20